

Categorical Exclusion Documentation
City of Phoenix Burnt Mtn. Assignment/Amendment
DOI-BLM-AZ-P010-2012-020-CX

A. Background

BLM Office: *Hassayampa Field Office (HFO)*

Lease/Serial/Case File No.: AZA-34414

Proposed Action Title/Type: Comm Site Lease assignment/amendment for the City of Phoenix
IT Department

Location of Proposed Action: T. 2 N., R. 8 W., sec. 8, SW¹/₄NW¹/₄. (Burnt Mountain).

Description of Proposed Action: City of Phoenix IT Department has applied to have a communication site previously issued to Harquahala Fire Department (AZA-34414) assigned to them. They are also requesting that the lease be amended to include a 55' tower with associated antennas/dishes and the authorization to move the gate that has been previously authorized.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: The Bradshaw-Harquahala Resource Management Plan (RMP). This proposed action has been reviewed for conformance with these plans (43 CFR 1610.5-3, BLM Manual 1601.04.C.2) Date Approved: April 2010

☐ The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

X The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions): Specifically, in the Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan (RMP), page 33, under Land Use Authorizations, LR-25 states, "Continue to issue land use authorizations (rights-of-way, leases, permits, easements) on a case-by-case basis and in accordance with resource management prescriptions in this land use plan."

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.5: E. (9) *"Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization"* and E. (13) *"Amendments to existing rights-of-way such as upgrading of existing facilities which entail no additional disturbance outside the rights-of-way boundary."*

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 or 516 DM 11.5 apply.

D: Signature

Authorizing Official: _____/S/_____ Date: 6/19/2012

D. Remington Hawes
Field Manager, HFO

Contact Person

For additional information concerning this CX review, contact:
Jim Andersen (623-580-5570) jvanders@blm.gov

BLM Categorical Exclusions: Extraordinary Circumstances¹
Attachment 1

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:		
1. Have significant impacts on public health or safety		
Yes <input type="checkbox"/>	No X	Rationale:
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
Yes <input type="checkbox"/>	No X	Rationale:
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
Yes <input type="checkbox"/>	No X	Rationale:
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
Yes <input type="checkbox"/>	No X	Rationale:
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
Yes <input type="checkbox"/>	No X	Rationale:
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
Yes <input type="checkbox"/>	No X	Rationale:
7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
Yes	No	Rationale:

¹ If an action has any of these impacts, you must conduct NEPA analysis.

<input type="checkbox"/>	X	
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
Yes	No	Rationale:
<input type="checkbox"/>	X	

**Approval and Decision
Attachment 2**

Compliance and assignment of responsibility: Jim Andersen

Monitoring and assignment of responsibility: Jim Andersen

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

Prepared by: _____/S/_____ **Date::** 6/18/2012

Jim Andersen
Project Lead

Reviewed by: _____/S/_____ **Date::** 6/19/2012

Leah Baker
Planning & Environmental Coordinator 6/19/2012

Reviewed by: _____/S/_____ **Date:** 6/19/2012

D. Remington Hawes
Manager

Project Description: City of Phoenix IT Department has applied to have a comm site previously issued to Harquahala Fire Department (AZA-34414) assigned to them. They are also requesting that the lease be amended to include a 55' tower with associated antennas/dishes and the authorization to move the gate that has been previously authorized.

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following Mitigating Measures.

Approved By: _____/S/_____ **Date:** 6/19/2012
D. Remington Hawes, Field Manager, HFO

MITIGATION MEASURES – AZA-34414

1. All applicable regulations in accordance with 43 CFR 2800.
2. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holders behalf, on public or federal land shall be immediately reported to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made the authorized officer to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to the proper mitigation measures will be made by the authorized officer after consulting with the holder.
3. In the event that the public land underlying the right-of-way (ROW) encompassed in this permit or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part (2800)(2880), including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW holder.
4. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
5. It is against State law to collect desert tortoise from the wild. If tortoises are found in the project area, they shall be removed from the area and released, in the shade, unharmed. (When moving a tortoise, approach the tortoise from the end of the shell with the head. Note the direction the tortoise was heading and carefully carry it no

more than 150 feet and release it in the direction that it was heading. If possible place the tortoise in the shade. Carry the tortoise upright, in its normal walking position. Do not tip it from side to side or upside down. If a tortoise becomes frightened, it may empty its bladder as a defense mechanism. The loss of bladder fluids can place the tortoise under additional stress because tortoise store water in the bladder for use during the dry times of year.)

6. The holder shall at all times operate its radio-electronic equipment in such a manner so as not to cause interference with radio-electronic operations of existing users in the vicinity. If such interference results from holder's operations, holder will promptly, at its own expense, modify the equipment and operations, or shut down if necessary to eliminate or reduce the interference to the satisfaction of the Federal Communications Commission and/or the authorized officer.
7. It will be the responsibility of the holder to ascertain whether existing facilities on the same or adjoining sites will adversely affect the proposed operations. Holder will accept operations, i.e., frequencies, emissions, power output, radiation fields, antenna arrays, etc., of existing facilities on the same or adjoining sites, provided such operations are consistent with the regulations of the Federal Communications Commission, if a non-Federal Government use, and the Standards of the Interdepartmental Radio Advisory Committee, if a Federal Government use.
8. The holder shall take measures necessary to eliminate interference to other site users caused by holder's sublessee(s). If the holder does not eliminate such interference within 10 days of receipt of notice from the authorized officer, the operations of the sublessee causing the interference, as determined by the authorized officer, shall be terminated by the holder.
9. At such future time as a 'Site Users' Association' for this communication site is established, the holder shall join the association and remain a member in good standing. Within 30 days of the established association, the holder shall provide the authorized officer with evidence of membership. Failure of the holder to join the 'Site Users' Association' and remain a member in good standing shall constitute sufficient grounds for termination of this lease.
10. Conformance with the "Communications Site Plan Burnt Mountain Phoenix Field Office."
11. Conformance with the general stipulations of AZA-18675 as it pertains to the use of the existing road (i.e., "Natural vegetation shall be cleared only when necessary to provide suitable access for construction, operation and maintenance of the system.").